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## BOOK REVIEWS

*The Upas Tree.* By Robert McMurdy. Illustrated. Laird and Lee, Publishers. Chicago.

This is a badly-written, and decidedly interesting novel. The style is crude, but the plot is good and well-managed. Law students ought to find the book particularly attractive, for its principal characters are lawyers, and its most exciting scenes take place in a court-room. As the main theme is the subject of capital punishment by hanging, it is fitting that the greatest dramatic value of the story lies in its suspense.

The reader does not know whether the jury will bring in a verdict of guilty, whether the hero can escape if it does,—and what is more, the reader cannot guess whether or not the hero is guilty. This skill in concealment is the most clever part of the plot-construction; and to a layman the pleas of the opposing lawyers seem particularly well done.

The moral object of the work is to condemn capital punishment, which did not convince me for the simple reason that I was convinced already. Capital punishment, like war, is a relic of barbarism. Good arguments are urged against it in these pages.

The book also counts strongly against trial by jury, though perhaps this was not the author's intention. Emile Faguet says that the chief characteristic of our age is the systematic cultivation of Incompetence. Trial by jury—where men are selected to judge a case for the sole reason that they are unfit to do so—is an excellent illustration. What is the use of the state and the defense hiring experts to testify when experts in weighing testimony are barred? When Edward J. Phelps was a Professor in the Yale Law School, I well remember with what earnestness he said in a public lecture, "Trial by jury is a good thing which has outlived its usefulness."

The reader will find this story sustained in interest, and on certain pages thrillingly tense, like a real trial. It is a pity that the illustrations were added, for the drawing is abominably bad.

WM. LYON PHELPS.